IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.536 OF 2006

Shri Tukaram Gendeo Agalave and Anr. ..Petitioners.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Mr.K.Y.Mandlik for petitioners.

Mr.D.A.Patil, A.G.P. for respondents.

CORAM : V.C.DAGA, J.

DATED : 17TH MARCH, 2006.

P.C. :-

1. Heard. Rule, rule returnable forthwith.

2. Mr.Patil, learned A.G.P. waives service for the respondents.

3. Heard finally by consent of the parties.

4. This petition is directed against the order dated 7/4/2005 in L.A.R.No.551/02 and L.A.R.No.552/05 and the order dated 12th February, 2005 whereby the prayer for substitution of the security came to be

rejected. By the impugned order, the Trial Court directed the Land holders to furnish security by way of bank guarantee before seeking withdrawal of the amount. The Review of this order also came to be rejected by a subsequent order dated 12/7/2005.

4. Both the parties agree that the nature of security i.e. Bank guarantee should be substituted with that of any security to the satisfaction of the Trial Court. In view of the joint request made, the order stands modified. The security in the nature of Bank guarantee ordered stands substituted with that of any other security to the satisfaction of the Trial Court.

5. Petition stands disposed of. Rule is made absolute in the above terms with no order as to costs.

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